

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
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)
)
v.) CASE NO.: 2:05-cr-119-MEF
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)
DON EUGENE SIEGELMAN)

O R D E R

This cause is before the Court on the Motion Pursuant to Fed. R. Crim. P. 38 to Stay
Imposition of Fine and to Pay into the Registry of the Court Pending Appeal (Doc. # 663)
filed on October 24, 2007. By this motion, Defendant Siegelman asks for leave to pay the
fine assessed against him into the registry of the Court until resolution of his appeal.

The parties are hereby advised that all funds paid into the registry of the Court and
deposited into interest bearing accounts are subject to a handling and processing charge in
the amount of 10% of the interest earned during the period of time the funds are so deposited.
Because the funds are being paid into the registry of the Court and deposited into interest
bearing accounts at the request or and for the benefit of Defendant Siegelman, the Court is
of the opinion that he should be responsible for payment of the handling and processing
charges and that such charges should in no way reduce the amount of the fine collected by
the United States.¹

¹ The Court notes that these sums were due immediately upon entry of the Judgment in this case and for that reason no interest was ordered imposed on those sums. Months later the fine is largely unpaid and Defendant Siegelman has enjoyed the time value of the money during that time.

It is hereby ORDERED as follows:

1. The Motion Pursuant to Fed. R. Crim. P. 38 to Stay Imposition of Fine and to Pay into the Registry of the Court Pending Appeal (Doc. # 663) is DENIED in part and GRANTED in part.
2. The \$49,960 of the fine² still owed by Defendant Siegelman shall be paid to the Clerk of the Court to be paid into the registry of the Court **by no later than November 9, 2007**, and deposited into interest bearing accounts until the issuance of the mandate by the Eleventh Circuit Court of Appeals on its decision on Defendant Siegelman's appeal.
 - a. If Defendant Siegelman's appeal results in the Judgment against him being vacated, the Clerk of the Court shall release to Defendant Siegelman, after the issuance of the mandate by the Eleventh Circuit Court of Appeals, the \$49,960 and all interest accrued on that sum, less the handling and processing fee which he shall forfeit.
 - b. If Defendant Siegelman's appeal results in the Judgment against him being affirmed, the Clerk of the Court shall immediately process the fine as it would have if it had been paid upon the entry of Judgment. All interest accrued on the sum deposited shall also be treated as part of the fine, except for the handling and processing fee deducted from the interest accrued. Upon issuance of the Eleventh Circuit's mandate, the Clerk of the Court shall immediately notify Defendant Siegelman of the amount of the handling and processing

² While the fine imposed was \$50,000, Defendant Siegelman has represented to the Court that he has paid \$40.00 of this amount through an inmate financial responsibility program with the Bureau of Prisons.

fee deducted from the accrued interest. Defendant Siegelman shall within ten days of the notification issuing from the Clerk of the Court remit the amount of the handling and processing fee deducted from the accrued interest to the Clerk of the Court so that those funds may be processed by the Clerk of the Court as part of the fine.

DONE this the 1st day of November, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE